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Attorney for Plaintiff,  
**DANNY GONZALES**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**DANNY GONZALES,**

**Plaintiff,**

**vs.**

**CHARLES KINNEY; EARTHQUAKE  
READINESS, INCORPORATED, A  
Suspended Corporation;**

**Defendants.**

**CASE NO. C 07 01394 JF**

**PLAINTIFF'S CASE MANAGEMENT  
STATEMENT AND [PROPOSED] ORDER  
(LOCAL RULE 16-9)**

**DATE: JUNE 15, 2007**

**TIME: 10:30 A.M.**

**DEPT: HONORABLE JEREMY FOGEL**

Pursuant to FRCP Rule 26, Plaintiff Danny Gonzales submits the following Case  
Management Statement.

1     **1.     Brief Description Of Events Underlying This Action.**

2  
3             This is a claim under the Fair Labor Standards Act and the California Labor Code for  
4     payment of overtime wages, failure to pay on regular paydays and for misrepresentation.  
5

6     **2.     Principal Factual Issues In Dispute.**

7  
8             The factual matters in dispute are whether: (1) Plaintiffs worked more than 8 hours in a  
9     workday; (2) Plaintiffs worked more than 40 hours in a workweek; (3) Plaintiffs worked more than  
10    12 hours per day; (4) Plaintiffs worked more than 60 hours per week; and (5) the nature and extent  
11    of Plaintiffs' job duties.  
12

13    **3.     Principal Legal Issues In Dispute.**

14  
15            The legal matters in dispute are whether: (1) the California Labor Code provides the  
16    exclusive remedies in lieu of a simultaneous FLSA claim; (2) Plaintiffs can recover punitive  
17    damages; (3) whether Plaintiffs were non-exempt employees; and (4) whether the individual  
18    defendants were employers under the FLSA.  
19

20    **4.     Other Factual Issues Which Remain Unresolved.**

21  
22            None.  
23

24    **5.     Parties That Have Not Been Served And The Reasons.**

25  
26            Charles Kinney was served by substitute service on May 26, 2007. Therefore, it is requested  
27    that the Case Management Conference be continued to a time sufficient for Charles Kinney to be  
28    required to answer to this court. Plaintiff will continue to attempt service upon Charles Kinney.

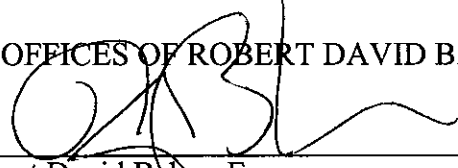
6. **Request To Continue Case Management Conference.**

Plaintiff requests that this court continue the Case Management Conference to such a date as is convenient with the court.

DATED: June 1, 2007.

LAW OFFICES OF ROBERT DAVID BAKER

By

  
Robert David Baker, Esq.  
Attorney for Plaintiff  
Danny Gonzales

**CASE MANAGEMENT ORDER**

The Case Management Conference is continued to July 27, 2007.

DATED: 6/13/07

By:

  
HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE